



11-15-06

RFN

Appl. No. 10/698/231
Phone Interview Dated: 11/6/2006
Reply to Interview Summary mailed on: 10/20/2006
Response mailed on: 11/14/2006

AMENDMENT

Applicant: Rodolfo Fernandez
Examiner: Bena Miller
Art Unit: 3725

Sheet 1 of 2

Application No.: 10/698,231

Confirmation No. 2309

Applicant: Rodolfo Fernandez

Filed: November 1, 2003

Art Unit: 3725

Examiner: Bena Miller

Docket No.: N/A

Customer No.: N/A

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

Response to Interview Summary Mailed on 10/20/2006 (Copy attached)

In compliance with the established procedures, the applicant submits this summary referred to the phone interview held on 06 October 2006 with the Examiner Ms. Bena Miller.


No agreement was reached, as marked by the Examiner in her summary. However, the Applicant considers that important issues were addressed and clarified. At the time of the interview, the Applicant already had sent the response to the last Office Action Notice of 6/7/2006, but the Examiner had not had the opportunity to review it yet. Nevertheless, the Applicant explained to the Examiner the formal amendments that had been done to the Specifications and Drawings in order to comply with the last Office Action Notice requirements and the Examiner's remarks. Also in the last Action Notice, the Examiner had rejected or objected all the claims, the 11 replacement new claims (24 thru 34), and therefore, the Applicant cancelled 4 (27, 28, 30 and 31) of said 11 previous new claims, while amended the other 7 (24 thru 26, 29 and 32 thru 34), making claim 32 independent and added 1 new claim (35), trying to comply with 37 CFR 1,75(c), 102 & 112, as instructed by the Examiner in the Action Notice. As said above, the Examiner had not yet reviewed the amended claims, thereof the amendments to the claims could not be discussed and she could not help the Applicant at that moment with her advises.

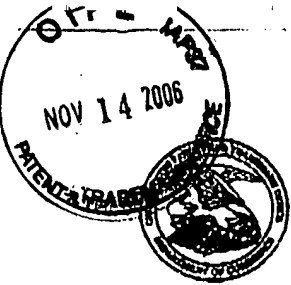
The Applicant explained to the Examiner the innovative essence of his Application, which does not refer to any kind of candy holder, but simply to a new type of lollipop, because while prior art and all known lollipops have a tight and rigid union between a simple stick and a simple candy, in the object of his Application for Patent the stick has an end conveniently modified and the candy or edible part is molded with an appropriate hole, in order to provide a loose or articulated union between both elements of the lollipop, so that the candy moves in relation to the stick when the user shakes it, like a sort of simple baby toy. Said feature provides and additional amusement to the user and, in addition, allows the manufacturer to supply the product in kits for the user to assemble it by him/herself very easily and in many different combinations of shapes, colors and flavors. Furthermore, as explained throughout the Specification and within the claims, the stick may be washable and reusable, while the candies may be replaceable.

During the interview, the Applicant was under the impression that the Examiner clearly understood the essence of the invention claimed.

In addition, the Applicant talked about a previous patented invention of his own, together with another author, consisting in an innovative candy holder that has been successfully marketed in Europe and in the U.S.A. During the procedures for said patent application, as allowed in 37 CFR 1.121 (g), the assigned Examiner advised the Applicant suggesting the right wordiness for the claims redaction, and explaining what words and/or phrases to use.

As in his response to the last Office Action Notice of 6/7/2006, the Applicant respectfully requests, and will greatly appreciate, any possible assistance and specific suggestions from the Examiner according to MPEP 714(E) and 37 CFR 1.121(g), to amend the remaining formal defects that are impeding the approval of this application for an invention patent that introduces innovative features in the field of common lollipops.

Respectfully,

Rodolfo Fernandez, Jr.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/698,231	11/01/2003	Rodolfo Fernandez JR.		2309

7590 10/20/2006
RODOLFO FERNANDEZ JR.
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EXAMINER

MILLER, RENA B

ART UNIT PAPER NUMBER

3725

DATE MAILED: 10/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No.		Applicant(s)	
	10/698,231		FERNANDEZ, RODOLFO	
	Examiner		Art Unit	
	Bena Miller		3725	

All participants (applicant, applicant's representative, PTO personnel):

(1) Bena Miller. (3) _____

(2) Mr. Rodolfo Fernandez. (4) _____

Date of Interview: 06 October 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference

c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____

Claim(s) discussed: _____

Identification of prior art discussed: _____

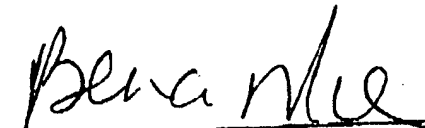
Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant discussed amendments made to the claims and specification, submitted in the response dated 08/26/06. Applicant pointed out that the claims have been amended to overcome 35 USC 112 rejections made in previous Office Action; however, no agreement was reached.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required